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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0716 MHP
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME FROM
v.)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(8)(A))
PETER LASELL,)	
)	
Defendant.)	

With the agreement of the parties in open court, and with the consent of defendant Peter Lasell, the Court enters this order documenting exclusion of time from November 26, 2007 through January 28, 2008 under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1). The parties agree, and the Court finds and holds, as follows:

1. Defendant was indicted on November 13, 2007, and he was arraigned on the indictment on November 19, 2007. On November 19, 2007, the United States moved for the defendant's pre-trial detention pursuant to 18 U.S.C. §§ 3142(e) and 3142(f). On November 26, 2007, United States Magistrate Judge Zimmerman denied the United States' motion for detention and released defendant on bond.

2. Defendant made his initial appearance before this Court on November 26, 2007.

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At the appearance on November 26, 2007, the parties requested a status conference for the date of January 28, 2007 in order to allow defense counsel to review discovery that has recently been provided by the government. Furthermore, defense counsel and the government must make arrangements for defense counsel to conduct a forensic examination of defendant's computer that was seized by the government on July 31, 2007. 18 U.S.C. § 3509(m) (stating that "in any criminal proceeding, any property or material that constitutes child pornography . . . shall remain in the care, custody, and control of either the Government or the court"). In light of these discovery issues, the parties jointly requested an exclusion of time under the Speedy Trial Act in order for defense counsel to prepare effectively for this case.

3. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case. The Court found that the ends of justice served by excluding the period from November 26, 2007 through January 28, 2008 from Speedy Trial Act calculations outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. Accordingly, and with the consent of the defendant at the appearance on November 26, 2007, the Court ordered that the period from November 26, 2007 through January 28, 2008 be excluded from Speedy Trial Act calculations. *Id.*

IT IS SO STIPULATED.

DATED: November 27, 2007

/s/
JONATHAN D. MCDOUGALL
Attorney for Defendant

DATED: November 27, 2007

/s/
ALLISON MARSTON DANNER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 11/28/2007

MARILYN H. PATEL
United States District Judge

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